

BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: May 19, 2004

Division: Growth Management

Bulk Item: Yes No X

Department: Planning & Env. Resources

AGENDA ITEM WORDING: A public hearing for an Administrative Relief determination for Byron & Nancy Ashby on their property known as lots 4 & 5, Block 12 of Pamela Villa Subdivision, Key Largo.

ITEM BACKGROUND: Staff finds that the subject lots are zoned Improved Subdivision (IS). The applicant entered into the ROGO system on March 14, 2000. Pursuant to Section 9.5-122.2(f), remedies available to an applicant include issuance of an allocation award or just compensation by the purchase of the property or such other relief as may be necessary or appropriate. Staff recommends relief in the form of purchase, at fair market value, by Monroe County.

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval

TOTAL COST: N/A

BUDGETED: Yes X No

COST TO COUNTY: Unknown

SOURCE OF FUNDING: The Land Authority

REVENUE PRODUCING: Yes ___ No X

AMOUNT PER MONTH _____ Year _____

APPROVED BY: County Atty. X OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:

Timothy J. McGarry, AICP

DOCUMENTATION: Included X

To Follow _____ Not Required _____

DISPOSITION: _____

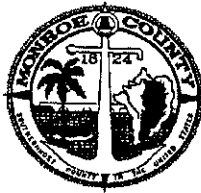
AGENDA ITEM # 03

Staff Report

County of Monroe

Growth Management Division

2798 Overseas Highway
Suite 410
Marathon, Florida 33050
Phone: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor Murray Nelson, District 5
Mayor Pro Tem David Rice, District 4
Dixie M. Spehar, District 1
George Neugent, District 2
Charles "Sonny" McCoy, District 3

To: Board of County Commissioners

From: K. Marlene Conaway, Director
Department of Planning and Environmental Resources

Date: March 18, 2004

Subject: **Byron Ashby, Administrative Relief Request ~ Permit #99-3-3547**

Background on Subject Property:

The subject property is zoned Improved Subdivision (IS) Land Use District and is located at Pamela Villa, Block 12, Lots 4 & 5, Key Largo, Real Estate Numbers 00466180.000000. The applicant entered the Residential Rate of Growth Ordinance (ROGO) system on March 14, 2000, after purchasing a property in May 1999 with an appraised value of \$15,900.

Permitting History

The original ROGO allocation was applied for on March 14, 2000 (Year 8, Quarter 3) under permit #99-3-3547. The application scored 16 points: thirteen (13) points from planning; five (5) points from building; and negative two (-2) for biology because the subject property was determined to be low quality hammock (Habitat Group 2) by the Upper Keys Biologist.

Currently, with the addition of three perseverance points, the property scores nineteen (19) points. At the end of the third quarter, Tuesday April 13th, 2004, the applicant will receive an additional perseverance point for a total of twenty (20) points. Since 2000 (Year 8, Quarter 3 of ROGO), two (2) ROGO allocation awards have been issued to lots in the Pamela Villa subdivision. These included Permit Numbers: 01-3-1514 and 02-3-4126.

The applicant applied for administrative relief on March 16, 2004 (Year 12, Quarter 3) and is within the allowable time frame to be eligible for administrative relief under Section 9.5-122.2(f) of the Monroe County Land Development Regulations.

Development Potential

Zoning – The property is zoned Improved Subdivision (IS) which allows one single-family residential dwelling and accessory uses. As an Improved Subdivision, it has no TDR value under the current code.

Future Land Use Map (FLUM) – The FLUM indicates the property to be Residential High (RH) which is intended for high-density single-family, multifamily, and institutional residential

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development, including mobile homes and manufactured housing, located near employment centers (Policy 101.4.4).

Land Type - The subject property was determined to be low quality hammock by the Upper Keys Biologist. The property was given a point assignment of negative two (-2) for being in Habitat Group 2 which is defined in Section 9.5-122.3(7) and includes the following: High hammock (low quality); Low hammock (low quality); Scarified land with saltmarsh and buttonwood; and scarified land with beach/berm (design/standards). This is the second least environmentally sensitive category of the four described in Section 9.5-122.3(7).

Neighboring Properties - The property (RE 00466190.000000) west and adjacent to the subject property is developed with a single-family residence. The property (RE 00466160.000000) east and adjacent to the subject property is vacant residential land.

ROGO - The ROGO point system is designed to direct growth to protect natural resources and encourage infill to improved subdivision lots. In response to Objectives 101.5 of the Monroe County 2010 Comprehensive Plan, which directs the County to *protect natural resources*, Land Development Regulations (LDRs) have been adopted that score minus ROGO points for any lots in environmentally sensitive lands. The lot was given a negative two (-2) for being in Habitat Group 2 which is defined in Section 9.5-122.3(7) of the Land Development Regulations.

Eligibility for Administrative Relief Options

Section 9.5-122.2(f) of the Monroe County Land Development Regulations and Policy 101.6.1 of the 2010 Comprehensive Plan provide a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for Administrative Relief. The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system, having been considered in at least three (3) of the last four consecutive annual allocation periods, and having submitted their application for Administrative Relief no earlier than the third annual allocation period, and no later than ninety (90) days following the close of the fourth annual allocation period.

Relief Options under Administrative Relief

The remedies available to an applicant for Administrative relief pursuant to Section 9.5-122.2(f) include issuance of an allocation award or just compensation by purchase of the property or such other relief as may be necessary or appropriate.

Although the subject property does not contain any significant habitat for endangered or threatened animal species, it does contain sensitive environmental features. Therefore the subject property does meet the guidelines established under Policy 101.6.6 and Policy 102.4.2 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

The applicant has indicated that he does not wish to sell the property to the County as provided for under Policy 101.6.1 of the Year 2010 Comprehensive Plan.

County of Monroe

Staff Analysis:

The Growth Management Division has reviewed the application and determined it is not appropriate to offer an allocation award to this applicant. The property contains fragments of environmentally sensitive lands, received two negative points (-2) in ROGO and is located within a subdivision with other lots containing fragmented hammock.

The appropriate County action for this property is to offer to purchase the property from the lot owner. If the owner chooses not to sell to the County, the application may remain in the ROGO system and accrue two points (+2) for each year over four years that he continues in ROGO. The granting of an allocation award is not the preferred relief option and is not consistent with the policies for administrative relief under the Year 2010 Comprehensive Plan.

Recommendation:

It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief. It is further recommended that an order be prepared that establishes this relief as an offer to purchase the lots for fair market value by Monroe County.

Cc: Timothy J. McGarry, AICP, Director of Growth Management
Mark Rosch, Monroe County Land Authority
Richard Collins, Esq.

Resolution

RESOLUTION NO. - 2004

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FOR ADMINISTRATIVE RELIEF MADE BY BYRON ASHBY ON THE LOT DESCRIBED AS BLOCK 12, LOTS 4 & 5, PAMELA VILLA, KEY LARGO, REAL ESTATE NUMBER 00466180.000000.

WHEREAS, Byron Ashby has submitted an application for a building permit allocation under the Residential Rate of Growth Ordinance (ROGO) in March of 2000; and

WHEREAS, the application has been in the ROGO system for at least four (4) consecutive years; and

WHEREAS, Byron Ashby has applied for administrative relief under Monroe County Code Section 9.5 122.2 (f); and

WHEREAS, the Board of County Commissioners (BOCC) has the authority to grant administrative relief under Section 9.5 122.2. (f) (6) and may grant the applicant a building allocation, offer to buy the property at fair market value, or provide such other relief as may be necessary and appropriate; and

WHEREAS, Policy 101.6.5 of the 2010 Comprehensive Plan provides criteria to be used for determining lands that are appropriate for acquisition and the criteria includes the environmental sensitivity of the vegetative habitat on the lot; and

WHEREAS, the subject property has received two negative points for the quality of the upland native vegetation, making the Pamela Villa Subdivision lots a priority for acquisition by Monroe County; and

WHEREAS, Staff finds that the subject property does meet the guidelines established under Policy 101.6.6 and Policy 102.4.2 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the request filed by Byron Ashby for administrative relief in the form of just compensation shall be granted to the owner through an offer by Monroe County to purchase of the property is **APPROVED**:

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County,
Florida at a regular meeting held on the _____ day of _____ 2004.

Mayor Murray Nelson
Mayor Pro Tem David P. Rice
Commissioner Dixie Spehar
Commissioner George Neugent
Commissioner Charles "Sonny" McCoy

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY _____
Mayor Murray Nelson

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK

Rogo Application

Environmental Evaluation

MONROE COUNTY PLANNING DEPARTMENT APPLICATION FOR RESIDENTIAL PERMIT ALLOCATION

Marathon: (305) 289-2500 Plantation Key: (305) 852-7100

Application Fee: \$100.00

PLEASE PRINT AND ATTACH A COPY OF A PROPERTY RECORD CARD. IF YOU HAVE QUESTIONS OR WISH TO MAKE AN APPOINTMENT TO DELIVER YOUR APPLICATION, PLEASE CALL THE GROWTH MANAGEMENT OFFICE CLOSEST TO YOUR PROJECT. ONCE THIS APPLICATION IS ACCEPTED AND DEEMED COMPLETE, REVISIONS WILL ONLY BE ACCEPTED IF A NEW APPLICATION IS SUBMITTED.

Owner(s) Name: BYRON Ashby Ph. (W) _____ (H) 305 852 0146Street Address: 158 DICKIE WAY City: TAVERNIER State: FL Zip: 33070

Agent's Name: _____ Ph. (W) _____ (H) _____

Street Address: _____ City: _____ State: _____ Zip: _____

PROPERTY DESCRIPTION: Lot 445 Block 12 Subdivision PAMELA VILLAKey: KEY LARGO Street: Gumbo Limbo DR MM: 102 RE: 00466170 -
00466180 -

If metes and bound, attach legal description on separate sheet.

NUMBER OF UNITS: Mobile Home: _____ House: X RV: _____ Live-aboard: _____ Others: _____

Check Yes or No. If yes, then attach the requested documents:

X Yes No The project is combining contiguous lots in a legally platted subdivision with water, electricity, and paved roads or is otherwise below density. Please attach a copy of a proposed restrictive covenant limiting the number of units on the property and running in favor of and enforceable by the County.

 Yes X No The unit(s) will be affordable housing. Attachment required is a current affordable housing approval from the Planning Department.

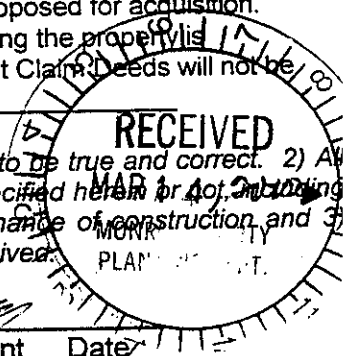
 Yes X No The proposal includes dedication of vacant, buildable land located in areas proposed for acquisition.

Attachments required with this application are: 1) letter from the Biologist stating the property is dedicatable, 2) proof of ownership, 3) proposed **WARRANTY DEED(S)** (Quit Claim Deeds will not be accepted). Please list the RE: (s) of the land to be dedicated _____

I certify 1) I have read and examined this application including attachments and know same to be true and correct. 2) All provisions of laws and ordinances governing this type of work are complied with whether specified herein or not, including the provision of Local, State, or Federal requirement regulating construction or the performance of construction and 3) Time periods for County action set forth in Section 9.5-113 of the County Code are hereby waived.

Deborah J. Patterson
Signature of Notary

Byron Ashby
Signature of Applicant Date: 3/14/00



Sworn to and subscribed to before me this 14th day of March, 2000, he/she is personally known to me and produced FLA. D.X. as identification and who did (did not) take an oath.

TO BE COMPLETED BY STAFF- DATE: 3/14/00 TIME: 01:50 PM PERMIT # 99-3-3547

Residential Dwelling Unit Allocation Evaluation - Summary Scoring Sheet

Applicant: ASHBY, BYRON

File: 99-3-3547

Date: 4/2/02

Planning Department Points

Scored By: DR

- | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------|
| 1. (1) Platted with Infrastructure | 10 Points | <u>+10</u> |
| 2. (2) Acreage with Infrastructure | 5 Points | |
| 3. (3) Lot Aggregation: <u>1</u> contiguous vacant, platted, buildable lot(s) x 3 | 3 Pts. Ea. | <u>+3</u> |
| 4. (4) Acreage Density Reduction | 2, 4, or 6 Points | |
| 5. (5) Land Dedication: <u> </u> buildable lots/ acres x 2 | 2 Pts. Ea. | |
| 6. (6) Affordable Housing | 5 Points | |
| 7. (10) Perseverance Points: # of full years in system <u>2</u> | | |
| a) 1 point / year for first 4 years | 1 Point | <u>+2</u> |
| b) 2 points / year each year after 4 full years | 2 Points | |
| 8. (13) Offshore Island Land Use District | -10 Points | |
| 9. (15) Historic Resources: | | |
| a) Adversely affects, removes, or destroys | -10 Points | |
| b) Preservation | 10 Points | |
| 10. (19) Modest Housing: to be eligible for these points must agree to 1,300 RESTRICTION | | |
| a) Detached infill ROGO points & is less than/= to 1,300 sq. ft. of habitable space
(Restriction required; AFH applicants not eligible). | 2 Points | |
| b) Detached MODULAR dwelling unit meets the minimum windload requirement
for Monroe County. | 2 Points | |
| c) Detached/Attached dwelling unit is on a non-waterfront lot. | 1 Point | |
| d) Proposed to develop attached dwelling unit that is equal to or less
than 1,300 sq. ft. of habitable space. (Restriction) | 3 Points | |
| e) Attached MODULAR residential dwelling unit which meets minimum
windload requirement for Monroe County. | 2 Points | |
| f) Utilizing TRE's (1 for 1 in attached dwellings) # of full TRE's <u> </u> x 2 Points | | <u>+15</u> |

Planning Department Subtotal:

REScore FOR PERSEVERANCE POINTS ONLY

NEW PLANNING TOTAL WITH 1 POINT(s) ADDED: +15

ENVIRONMENTAL RESOURCES TOTAL (UNCHANGED): -2

BUILDING DEPARTMENT TOTAL (UNCHANGED): +5

NEW TOTAL: +18

NAME ASHBY, BYRON

PERMIT # 99-3-3547 DATE ENTERED SYSTEM 14-MAR-00

PREVIOUS SCORE +17

MONROE COUNTY PROPERTY RECORD CARD

ALTERNATE KEY : 1569607

ID: 078

Run: 4/29/2004 10:21PM Page: 1

ASHBY BYRON R & NANCY G

158 DICKI WAY
TAVERNIER FL 33070

PARCEL 00466180-000000 22-61-39 NBHD 1821
ALT KEY 1569607 MILL GRP 500K PC 00
PHYSICAL ADDR:
Business Name:

UNIT:

LEGAL DESCRIPTION

PAMELA VILLA KEY LARGO PB3-125

LOTS 4-5 BK 12

OR525-281 OR1575-2435(CW) RE 466170 COMBINED PER OWNERS REQ 4-14-00 CW

LAND DATA 1.15

LINE	USE	FRONT	DEPTH	NOTES	#	UNIT	TYPE	RATE	DEPTH	LOC	SHP	PHYS	CLASS	JUST	VALUE
1	M10D	50	106	LOT 5	5300.00		SF		1.00	1.00	1.00	1.00			
2	M10D	50	106	LOT 4	5300.00		SF		1.00	1.00	1.00	1.00			

MISCELLANEOUS IMPROVEMENTS

NBR	TYPE	X	NUMBER	UNITS	TYPE	LENGTH	WIDTH	YEAR	YR	CONST	GRADE	LIFE	RCN	VALUE	DEPR	VALUE	DATE ADDED
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BUILDING PERMITS

LINE	BLDG	NUMBER	ISSUE	COMPLETE	AMOUNT	DESCRIPTION
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HISTORY OF TAXABLE VALUES

TAX YEAR	VM	JUST	LAND	CLASS	LND	BLDG	MISC/EQIP	JUSTVALUE	ASSDVALUE	EXEMPT	TAX	VALUE
11/01/1982	1	3743			0	0	0	3743	0	0		3743
11/01/1983	1	3743			0	0	0	3743	0	0		3743
11/01/1984	1	6625			0	0	0	6625	0	0		6625
11/01/1985	1	6625			0	0	0	6625	0	0		6625
11/01/1986	1	6625			0	0	0	6625	0	0		6625
11/01/1987	1	7950			0	0	0	7950	0	0		7950
11/01/1988	1	5989			0	0	0	5989	0	0		5989
11/01/1989	1	5989			0	0	0	5989	0	0		5989
11/01/1990	1	7950			0	0	0	7950	0	0		7950
11/01/1991	1	7950			0	0	0	7950	0	0		7950
11/01/1992	1	5724			0	0	0	5724	0	0		5724
11/01/1993	1	5724			0	0	0	5724	0	0		5724
11/01/1994	1	6625			0	0	0	6625	0	0		6625
11/01/1995	1	7950			0	0	0	7950	0	0		7950
11/01/1996	1	7950			0	0	0	7950	0	0		7950
11/01/1997	1	7950			0	0	0	7950	0	0		7950
11/01/1998	1	7950			0	0	0	7950	0	0		7950
11/01/1999	1	7950			0	0	0	7950	0	0		7950
11/01/2000	1	15900			0	0	0	15900	0	0		15900
11/01/2001	1	15900			0	0	0	15900	0	0		15900
11/01/2002	1	15900			0	0	0	15900	0	0		15900
11/01/2003	1	15900			0	0	0	15900	0	0		15900

SALES HISTORY

O.R.	O.R.	SALE	INSTRUMENT	TRAN	QUAL	VAC	SALE	APPR	CHG
BOOK	PAGE	DATE	WD	CODE	UNQUAL	IMPR	PRICE	VALUE	DATE
1575	2435	5/06/1999	WD	WARRANTY	D0	Z modified	14,000	7,950	4/14/2000

MONROE COUNTY PROPERTY RECORD CARD
ALTERNATE KEY: 1552411

ID: 078

Run: 4/29/2004 10:19PM Page:

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